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DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

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* E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

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1994/70. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolutions 1990/76 of 7 March 1990, 1991/70 of 6 March 1991, 1992/59 of 3 March 1992, 1993/64 of 10 March 1993 and taking note of the report of the Secretary-General on this question (E/CN.4/1994/52),

1. Urges Governments to refrain from all acts of intimidation or reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fifty-first session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in paragraph 1 of the present resolution;

7. Decides to consider the question again at its fifty-first session.

64th meeting
9 March 1994
[Adopted without a vote.]

1994/71. Situation of human rights in Cuba

The Commission on Human Rights,

Recalling its resolution 1993/63 of 10 March 1993 regarding the affirmation and extension of the mandate of the Special Rapporteur of the Commission to review and report on the situation of human rights in Cuba and to maintain direct contact with the Government and citizens of Cuba,

Recalling also General Assembly resolution 48/142 of 20 December 1993 regarding the situation of human rights in Cuba,

Recognizing with deep appreciation the efforts of the Special Rapporteur to carry out the mandate concerning the situation of human rights in Cuba,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Noting with deep regret the continued failure of the Government of Cuba to cooperate with the Special Rapporteur and its refusal to permit him to visit Cuba in order to fulfil his mandate,

Considering the report on the situation of human rights in Cuba submitted by the Special Rapporteur (E/CN.4/1994/51),

Deeply concerned at information contained in the report of the Special Rapporteur on arbitrary arrests, beatings, imprisonment, harassment and threats, including loss of employment, against human rights defenders and others who are engaged in the peaceful exercise of their rights,

Profoundly concerned at continued violations in Cuba of fundamental human rights and freedoms enumerated in the Universal Declaration of Human Rights, such as the freedoms of movement, thought, conscience and religion, opinion and expression, assembly and association, and rights associated with the administration of justice,

1. Commends and endorses the report of the Special Rapporteur;

2. Calls upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba;

3. Expresses particular concern that the Government of Cuba has failed to carry out its commitment, common to all Member States, to cooperate with the Commission on Human Rights, in conformity with Articles 55 and 56 of the Charter of the United Nations;

4. Regrets profoundly the numerous unanswered reports of violations of basic human rights and fundamental freedoms that are described in the report of the Special Rapporteur, and expresses particular concern at prevailing intolerance for freedom of speech and assembly in Cuba;

5. Calls upon the Government of Cuba to carry out the eight measures recommended in the report of the Special Rapporteur to bring the observance of human rights and fundamental freedoms in Cuba up to universally recognized standards in accordance with international law and applicable international human rights instruments and to end all violations of human rights, including in particular the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights;

6. Affirms and extends the mandate of the Special Rapporteur for one year;

7. Requests the Special Rapporteur to maintain direct contacts with the Government and citizens of Cuba as specified in past resolutions of the Commission;

8. Recommends that the existing mechanisms of the Commission on Human Rights, in particular the Working Group on Arbitrary Detention and the Special Rapporteur on the question of torture, in the discharge of their mandates, continue to give attention to the situation in Cuba and, if appropriate, consider visiting Cuba;

9. Invites the Special Rapporteur and the existing thematic mechanisms of the Commission mentioned in the present resolution to cooperate fully and exchange their information and findings on the situation of human rights in Cuba;

10. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

11. Requests the Special Rapporteur to carry out his mandate bearing in mind, inter alia, the Universal Declaration of Human Rights, to submit an interim report to the General Assembly at its forty-ninth session and to report to the Commission at its fifty-first session on the results of his endeavours pursuant to the present resolution.

64th meeting
9 March 1994
[Adopted by a roll-call vote of 24 to 9, with 20 abstentions.]

1994/72. Situation of human rights in the territory of the former Yugoslavia: violations of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Commission on Human Rights,

Mindful of its duty to promote and encourage respect for human rights and fundamental freedoms for all, and to prevent violations of such rights,

Dismayed by the continuing human tragedy in the Republic of Bosnia and Herzegovina, the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Croatia, and by the massive and systematic violations of human rights, especially in Bosnia and Herzegovina, where whole populations remain

victim to terrorization and harassment, particularly, though not exclusively, on territory controlled by Bosnian Serb and Bosnian Croat forces, as documented in the reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1994/110),

Concerned also at continuing impediments to the full exercise of human rights and fundamental freedoms in the countries of the area, even in territories distant from armed conflict,

Moved by the horrible massacre at the Markale market of Sarajevo on 5 February 1994, and encouraged by the outpouring of international revulsion

at it and the resulting renewal of the international community's determination to bring a peaceful, just and lasting resolution to the conflict in Bosnia and Herzegovina,

Repelled by the odious practice of "ethnic cleansing" whose principal victims are the Muslim population, carried out in particular by Bosnian Serbs as well as by Bosnian Croat extremists, and emphasizing the right of all its victims to return to their homes and the invalidity of territorial gains resulting from that practice, as well as of forced transfers of property and other acts under duress,

Deeply concerned that rape and other forms of inhuman and degrading treatment of women and children continue to be used as a deliberate instrument of war and "ethnic cleansing", particularly in the Republic of Bosnia and Herzegovina,

Dismayed by the huge number of missing persons still unaccounted for, particularly in Bosnia and Herzegovina and in the Republic of Croatia,

Deeply concerned about the situation of human rights in Serbia and Montenegro, particularly in Kosovo but also in the Sandjak and in Vojvodina,

Noting with special appreciation the continuing efforts of the Special Rapporteur and those under his direction,

Also noting with appreciation the report by the Secretary-General entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia", contained in document A/48/858 dated 29 January 1994,

Grateful as well for the work of the special mechanisms of the Commission on Human Rights and all those involved in the humanitarian relief effort, including the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the officers and men of the United Nations Protection Force, and encouraging the continuing efforts of all who seek to bring about a peaceful resolution to the conflict, including the Co-Chairmen and members of the Steering Committee of the International Conference on the Former Yugoslavia,

Recalling its resolutions 1993/7 and 1993/8 of 23 February 1993, 1992/S-1/1 of 14 August 1992 and 1992/S-2/1 of 1 December 1992, General Assembly resolutions

48/143 and 48/153 of 20 December 1993 and the relevant resolutions of the Security Council,

Recalling also the decision adopted by the World Conference on Human Rights on 15 June 1993 to appeal to the Security Council to take the necessary measures to end the genocide taking place in Bosnia and Herzegovina,

1. Expresses its deep appreciation to the Special Rapporteur for his tenacity in fulfilling his mandate under the most trying circumstances, and for the light shed by his important reports, in particular his latest report (E/CN.4/1994/110);

2. Deplores and condemns the continual refusal of the Bosnian Serb authorities to permit the Special Rapporteur to conduct investigations in territory under their control;

3. Reaffirms the responsibility of all parties to the conflict to find peaceful solutions through negotiations and to protect fully human rights at all times;

4. Condemns categorically all violations of human rights and international humanitarian law by all sides and, while recognizing that primary responsibility for most of these violations is borne by the leadership in territory under Serb control and the political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro), notes that violations have been committed by all of the parties to the conflict;

5. Demands immediate, firm and resolute action by the international community to stop all human rights violations, including "ethnic cleansing" genocidal acts, rape and abuse of women as an instrument of war, strangulation of cities in Bosnia, shelling and killing of civilians, torture, arbitrary executions, and enforced and involuntary disappearances, to secure a just and lasting peace in Bosnia and Herzegovina, and to bring war criminals to trial;

6. Expresses alarm at the Special Rapporteur's findings that the influence of ultranationalist ideologies is growing, and that indoctrination and misinformation encourage national and religious hatred, and deplores the fact that, in the climate of ultranationalism engendered by such indoctrination and misinformation, atrocities are being committed by all parties;

7. Denounces continued deliberate and unlawful attacks and uses of military force against civilians and other protected persons by all sides, recognizing that the primary though not the sole responsibility lies with the Serbian forces, and condemns particularly:

(a) The besieging of cities and other civilian areas, and the deliberate, murderous shelling thereof, particularly of the declared "safe areas";

(b) The systematic terrorization and murder of civilians and non-combatants;

(c) The destruction of vital services;

(d) The use of military force against relief operations;

(e) The intentional destruction of mosques, churches and other places of worship and the desecration of cemeteries;

(f) Other attacks upon civilians; and

(g) The forced conscription, by any party, of internally displaced persons and of refugees in disregard of their protected status;

8. Condemns anew the heinous acts identified by the Special Rapporteur as elements of "ethnic cleansing", and urges the international community to use all its influence on all the parties to the conflict, in particular the Federal Republic of Yugoslavia (Serbia and Montenegro) and the authorities in those parts of Croatia and Bosnia and Herzegovina under Serbian control, as well as Croatian extremists in Bosnia and Herzegovina, to end "ethnic cleansing" immediately and to reverse its effects, recognizing especially the right of any victims to return to their homes and the invalidity of territorial gains resulting from that practice, as well as of forced transfers of property and other acts under duress;

9. Acknowledges the effort of some local authorities in areas under control of the Government of Bosnia and Herzegovina to avoid actions associated with "ethnic cleansing", as reported by the Special Rapporteur;

10. Reaffirms that the practice of "ethnic cleansing" should in no way be legitimized;

11. Condemns all deliberate impeding of the delivery of food, medical and other supplies essential for the civilian population, which can constitute a serious violation of international humanitaria.. law, and of medical evacuations,

and demands that all parties ensure that all persons under their control cease such acts;

12. Also condemns the attacks on and continuous harassment of the United Nations Protection Force and on personnel working with the UNHCR and other humanitarian organizations, which have caused injuries and deaths of those who seek to protect civilians and to deliver humanitarian assistance;

13. Expresses its deep concern at the traumatic impact of the armed conflict and resultant social upheaval on the children of the area, in both the short and the long term, as described in the Special Rapporteur's latest report;

14. Expresses its outrage that the systematic practice of rape continues to be used as a weapon of war against women and children and as an instrument of "ethnic cleansing", and recognizes that rape in these circumstances constitutes a war crime;

15. Welcomes the assistance which has been provided to the victims of such rape and abuse for their physical and mental rehabilitation and urges States, local communities, and relevant intergovernmental and non-governmental organizations to provide further assistance as required;

16. Also welcomes the establishment of the International Tribunal for prosecuting serious violations of international humanitarian law committed in the territory of the former Yugoslavia pursuant to Security Council resolution 827 (1993) of 25 May 1993, and urges that all States provide all necessary and appropriate support to the Tribunal;

17. Reaffirms that all persons who perpetrate or authorize violations of international humanitarian law are individually responsible and accountable, and that the international community will exert all efforts to bring them to justice in accordance with internationally recognized principles of due process;

18. Urges the Special Rapporteur, all United Nations bodies, including the United Nations Protection Force and the United Nations human rights treaty bodies, specialized agencies, Governments and informed intergovernmental and non-governmental organizations to cooperate fully with the Prosecutor of the International Tribunal and to provide him on a continuing basis with all relevant and accurate information in their possession related to his task;

19. Urges all States and responsible authorities to cooperate with the efforts of the International Tribunal, including by the provision of substantiated information and the apprehension of persons accused of violations of international humanitarian law for trial in cooperation with the Tribunal and in accordance with internationally accepted norms of due process;

20. Commends the efforts of the Commission of Experts established pursuant to Security Council resolution 780 (1993), to examine and analyse evidence of violations of international humanitarian law, and of those States, United Nations bodies, specialized agencies and organizations that have provided pertinent information to the Commission of Experts;

21. Demands the immediate internationally-supervised release of all persons arbitrarily or otherwise illegally detained and the immediate closure of all places of detention not authorized by and in compliance with the Geneva Conventions of 12 August 1949;

22. Reiterates its demand that all parties immediately notify the International Committee of the Red Cross of the locations of all camps, prisons and other places of detention, and that there be immediate, unimpeded and continued access to such places by the International Committee of the Red Cross, the Special Rapporteur and other relevant international and regional organizations;

23. Urges all parties, and in particular the Governments of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate in determining the fate of thousands of missing persons by disclosing all information and documentation in order finally to locate such persons and alleviate the suffering of their relatives;

24. Notes with interest the proposal of the Working Group on Enforced or Involuntary Disappearances concerning the question of enforced disappearances in the territory of the former Yugoslavia (E/CN.4/1994/26/Add.1) and requests the Working Group, represented by one of its members, to cooperate as appropriate with the Special Rapporteur in dealing with this issue;

25. Expresses its grave concern at the deteriorating human rights situation in the Federal Republic of Yugoslavia (Serbia and Montenegro),

particularly in Kosovo, as described by the Special Rapporteur, and again condemns the violations of human rights occurring there;

26. Strongly condemns in particular the measures and practices of discrimination against and the violations of the human rights of the ethnic Albanians of Kosovo, as well as the large-scale repression committed by the Serbian authorities, including:

(a) Police brutality against ethnic Albanians, arbitrary searches, seizures and arrests, torture and ill-treatment during detention and

discrimination in the administration of justice, which leads to a climate of lawlessness in which criminal acts, particularly against ethnic Albanians, take place with impunity;

(b) The exclusion of ethnic Albanians from positions in the police and in the judiciary, as well as from professional, administrative and other skilled positions in State-owned enterprises and public institutions, including teachers from the Serb-run school system, and the closure of the Albanian university and high schools;

(c) Arbitrary imprisonment of ethnic Albanian journalists, the closure of Albanian-language mass media and the discriminatory removal of ethnic Albanian staff from local radio and television stations;

(d) Repression by the Serbian police and military;

27. Demands that the Federal Republic of Yugoslavia (Serbia and Montenegro) respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo and declares that the best means to prevent the possible escalation of the conflict is to safeguard human rights, restore the autonomy of Kosovo and to establish democratic institutions in Kosovo;

28. Expresses its grave concern at the Special Rapporteur's reports of violations of human rights in the Sandjak, including physical harassment, abductions, the burning of homes, warrantless searches, confiscations and other practices intended to change the ethnic structure in favour of the Serbian population, and in Vojvodina, while commending the courage and sacrifice of many Serbs who refuse to take part in such violations;

29. Urges all parties in Serbia and Montenegro, particularly in Kosovo, the Sandjak and Vojvodina, to engage in a substantive dialogue, inter alia under the auspices of the International Conference on the Former Yugoslavia, and to act with the utmost restraint and settle disputes with full respect for human rights, and calls on the Serbian authorities to prevent extension of the conflict by refraining from the use of force and by respecting fully the rights of persons belonging to minority groups;

30. Demands that the Federal Republic of Yugoslavia (Serbia and Montenegro) permit entry into Kosovo, the Sandjak and Vojvodina of United Nations observer missions and field officers of the Special Rapporteur and resumption of

the missions of long duration of the Conference on Security and Cooperation in Europe;

31. Expresses its continued concern that, despite the considerable decrease in violations of international humanitarian law in the Republic of Croatia, there continue to be serious human rights violations and patterns of discriminatory treatment against minority groups, as well as arbitrary practices on the part of the Croatian authorities;

32. Condemns the continuation of "ethnic cleansing" in areas under the control of the self-proclaimed Serbian authorities in the United Nations Protected Areas and the continued shelling of civilian areas, especially in the vicinity of the Dalmatian coast;

33. Notes with interest the observations of the Special Rapporteur regarding the human rights situation in the Former Yugoslav Republic of Macedonia, in particular his conclusion that mutual understanding and trust among all citizens of that Republic, regardless of their ethnic origin, is an essential condition for the enjoyment of human rights in that country, and decides to continue to monitor developments there;

34. Notes with appreciation the observations of the Special Rapporteur regarding the further improvement of the human rights situation in the Republic of Slovenia and decides that the Republic of Slovenia should be excluded from the mandate of the Special Rapporteur;

35. Notes with concern that many of the Special Rapporteur's past recommendations have not been fully implemented, in some cases because of resistance by the parties on the ground, and urges the parties, all States and relevant organizations to give immediate consideration to them, in particular the Special Rapporteur's calls:

(a) For the opening of humanitarian relief corridors to prevent death and deprivation of the civilian population, and to open Tuzla airport to relief deliveries;

(b) For the provision of necessary medical and psychological care to victims of rape within the framework of programmes to rehabilitate women and

children traumatized by war, and for coordination by all concerned in support of the social integration of child victims;

(c) For more generous international assistance to refugees fleeing the conflict, and to the States which receive them;

(d) For increased support to initiatives to assist persons displaced by the conflict, with attention to the special needs of urban families and orphans, and

(e) For the creation of a voluntary fund to provide economic and social aid to assist the reconstruction of destroyed villages and towns;

36. Recommends that there be a human rights component in any internationally negotiated arrangements for Bosnia and Herzegovina and that implementation of such a component be conducted in close cooperation with the Special Rapporteur and the Centre for Human Rights;

37. Decides to extend the mandate of the Special Rapporteur for one year, and requests that he continue his efforts, especially by carrying out all such further missions as he deems necessary, and that he continue to submit periodic reports, as appropriate, on the implementation of the present and other relevant human rights resolutions to the Commission and the General Assembly, and to request the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and to the International Conference on the Former Yugoslavia;

38. Requests the Secretary-General to take steps to assist in obtaining the active cooperation of all United Nations bodies to implement the present resolution and, pursuant to paragraph 27 of General Assembly resolution 48/153, to provide the Special Rapporteur, within the overall budgetary framework of the United Nations, with additional resources and all other necessary assistance to enable him to fulfil his mandate, in particular, to provide for the appointment of field staff in Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro) to provide first-hand, timely reports on the situation of human rights there;

39. Decides to remain seized of this matter.

64th meeting
9 March 1994
[Adopted without a vote.]

1994/73. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field,

Recalling its relevant resolutions, including the most recent, resolution 1993/62 of 8 March 1993, as well as those of the General Assembly, including the most recent, resolution 48/145 of 20 December 1993, and those of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1993/14 of 20 August 1993,

Noting that the Government of the Islamic Republic of Iran has responded to the Special Representative's request for information concerning allegations of human rights violations in that country but did not allow him to pay a fourth visit to the country so that he might obtain direct and first-hand information on the current human rights situation,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Recalling that in its resolution 1993/62 it requested the Special Representative to submit a report on the situation of human rights in the Islamic Republic of Iran to the Commission at its fiftieth session,

Noting the observation of the Special Representative that there is enough evidence to show that it is entirely proper for the human rights situation in the Islamic Republic of Iran to remain under international scrutiny,

Noting also that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1993/14, condemned the continuing flagrant violations of human rights in the Islamic Republic of Iran,

Noting further the concluding observations of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the

Committee on Economic, Social and Cultural Rights on the human rights situation in the Islamic Republic of Iran,

1. Takes note with appreciation of the final report of the Special Representative of the Commission and the observations contained therein (E/CN.4/1994/50);

2. Expresses its deep concern at continuing reports of violations of human rights in the Islamic Republic of Iran;

3. Expresses its concern more specifically at the main criticisms of the Special Representative with regard to the human rights situation in the Islamic Republic of Iran, namely, the high number of executions, cases of torture and cruel, inhuman or degrading treatment or punishment, the standard of the administration of justice, the absence of guarantees of due process of law, discriminatory treatment of certain groups of citizens for reason of their religious beliefs, notably the Baha'is whose existence as a viable religious community in the Islamic Republic of Iran is threatened, as well as the ill-treatment of certain Christians and restrictions on the freedoms of expression, thought, opinion and the press, and that, as noted by the Special Representative, there is continued discrimination against women;

4. Expresses its grave concern at continued use of the death penalty which the Special Representative had described as excessive;

5. Also expresses its grave concern that there are continuing threats to the life of Mr. Salman Rushdie, whose case is mentioned in the report of the Special Representative, as well as to individuals associated with his work, which have the support of the Government of the Islamic Republic of Iran;

6. Urges the Government of the Islamic Republic of Iran to refrain from activities such as those mentioned in the report of the Special Representative against members of the Iranian opposition living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and punishing offences reported by them;

7. Regrets that the Government of the Islamic Republic of Iran has still not permitted the Special Representative to visit the country in order to enable him fully to discharge his mandate by according him full cooperation;

8. Urges the Government of the Islamic Republic of Iran to implement existing agreements with international humanitarian organizations;

9. Calls upon the Government of the Islamic Republic of Iran to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative in his observations, in particular as regards the administration of justice and due process of law;

10. Also calls upon the Government of the Islamic Republic of Iran to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in these instruments;

11. Endorses the view of the Special Representative that the international monitoring of the human rights situation in the Islamic Republic of Iran should be continued;

12. Decides to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year;

13. Calls upon the Government of the Islamic Republic of Iran to cooperate fully with the Special Representative, including allowing him to make another visit to the country;

14. Requests the Special Representative to submit an interim report to the General Assembly at its forty-ninth session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha'is, and to report to the Commission at its fifty-first session;

15. Requests the Secretary-General to give all necessary assistance to the Special Representative;

16. Decides to continue its consideration of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran, as a matter of priority, at its fifty-first session.

65th meeting
9 March 1994
[Adopted by a roll-call vote of 22 to 11, with 19 abstentions.]

1994/74. Situation of human rights in Iraq

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Vienna Declaration and Programme of Action, as endorsed by the General Assembly in its resolution 48/121 of 20 December 1993, and in particular part I, paragraph 1 which reaffirms, inter alia, that human rights and fundamental freedoms are the birthright of all human beings and that their protection and promotion is the first responsibility of Governments,

Reaffirming that all Member States have the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations to ensure that the human and political rights of all Iraqi citizens were respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Recalling in particular its resolution 1991/74 of 6 March 1991, in which the Commission requested its Chairman to appoint a special rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the special rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

Recalling further its pertinent resolutions condemning the flagrant violations of human rights by the Government of Iraq, including resolution 1992/71 of 5 March 1992, by which it extended the mandate of the Special Rapporteur for a further year and requested him in pursuing his mandate to visit again the northern area of Iraq, in particular, and to submit an interim report to the General Assembly at its forty-seventh session and a final report to the Commission at its forty-ninth session, as well as resolution 1993/74 of 10

March 1994, in which it extended the mandate of the Special Rapporteur for a further year,

Recalling General Assembly resolution 46/134 of 17 December 1991, in which the Assembly expressed its deep concern at the flagrant violations of human rights by the Government of Iraq, 47/145 of 18 December 1992 and 48/144 of 20 December 1993, in which the Assembly decided to continue its consideration of the situation of human rights in Iraq at its forty-ninth session in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council,

Deeply concerned by the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrests and detentions, lack of due process and the rule of law and of freedom of thought, of expression and of association, as well as the existence of specific and serious discrimination within the country in terms of access to food and health care,

Urging the Government of Iraq to comply with the Geneva Protocol of 17 June 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare,

Deeply concerned at the forced displacement of hundreds of thousands of Kurds and at the destruction of Iraqi towns and villages,

Deeply concerned also that the severe and grave violations of human rights by the Government of Iraq have led to a deterioration of the situation of the civilian population in southern Iraq, in particular in the southern marshes,

Regretting that the Government of Iraq has not seen fit to respond to the formal request of the Special Rapporteur on the situation of human rights in Iraq to visit Iraq and that, despite the formal cooperation extended to the Special Rapporteur by the Government of Iraq, such cooperation needs to be improved, in particular by giving full replies to the many questions the Special Rapporteur put to the Government of Iraq in previous years,

Expressing concern at the exceptional gravity of the human rights situation in Iraq and, therefore, welcoming the Special Rapporteur's repeated proposals for the deployment of a team of human rights monitors and for the sending of human

rights monitors to such locations as would facilitate improved information flow and assessment and would help in the independent verification of reports on the situation of human rights in Iraq,

1. Takes note with appreciation of the report on the situation of human rights in Iraq submitted by the Special Rapporteur (E/CN.4/1994/58) and the conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive violations of human rights, of the gravest nature, for which the Government of Iraq is responsible, resulting in an all-pervasive order of repression and oppression which is sustained by broad-based discrimination and wide spread terror, in particular:

(a) Summary and arbitrary executions, orchestrated mass executions and mass graves throughout Iraq, extrajudicial killings, including political killings, in southern Shia centres and in the southern marsh area;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) Enforced or involuntary disappearances, routinely practised arbitrary arrests and detention, including of women, the elderly and children, and consistent and routine failure to respect due process and the rule of law;

(d) Suppression of freedom of thought, expression and association and violations of property rights;

(e) The unwillingness of the Government of Iraq to honour its responsibilities in respect of the economic rights of the population;

3. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights as well as to the International Covenant on Civil and Political Rights, to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and particularly to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

4. Demands that the Government of Iraq restore the independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

5. Calls upon the Government of Iraq to release immediately all persons arbitrarily arrested and detained, including Kuwaitis and nationals of other States;

6. Urges the Government of Iraq to set up an independent commission of inquiry and to take all necessary steps to cooperate closely with the Working Group on Enforced or Involuntary Disappearances to look into the fate of tens of thousands of disappeared persons;

7. Also urges the Government of Iraq to take immediate steps to bring the action of its security apparatus into line with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

8. Demands that the Government of Iraq:

(a) In fulfilment of its obligation pursuant to article 27 of the International Covenant on Civil and Political Rights, take steps to ensure the recognition and enjoyment of human rights of persons belonging to minorities;

(b) Immediately cease its periodic shelling of agricultural lands belonging to Iraqi Kurds, cooperate in the identification of minefields with a view to facilitating their marking and eventual clearing, cooperate with international aid agencies in the provision of humanitarian assistance to the northern Kurdish region and take steps towards the lifting of the embargo;

(c) In relation to the southern marsh area and its Marsh Arab population, implement the recommendations made by the Special Rapporteur in his interim report to the General Assembly at its forty-eighth session (A/48/600, para. 82);

9. Further expresses its special alarm at all internal embargoes which permit essentially no exceptions for humanitarian needs and which prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon Iraq, which has sole responsibility in this regard, to remove them and to take such steps as to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

10. Regrets the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon the Government to reply without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to

formulate the appropriate recommendations to improve the situation of human rights in Iraq;

11. Requests the Secretary-General, in consultation with the Special Rapporteur, to take the necessary measures in order to send human rights monitors to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq;

12. Decides to extend for a further year the mandate of the Special Rapporteur as contained in commission resolutions 1991/74, 1992/71 and 1993/74;

13. Urges the Government of Iraq to accord its full cooperation to the Special Rapporteur, notably during his next visit to Iraq;

14. Requests the Special Rapporteur to report periodically to the Commission on Human Rights on the situation of human rights in Iraq, and to submit an interim report on the situation of human rights in Iraq to the General Assembly at its forty-ninth session and a report to the Commission at its fifty-first session;

15. Requests the Secretary-General to provide appropriate additional resources, within existing overall United Nations resources, to fund the sending of human rights monitors;

16. Also requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance in performing his task;

17. Decides to continue its consideration of the situation of human rights in Iraq, under the same agenda item, at its fifty-first session.

65th meeting
9 March 1994
[Adopted by a roll-call vote of 34 to 1, with 18 abstentions.]

1994/75. Situation of human rights in the Republic of Bosnia and Herzegovina

The Commission on Human Rights,

Recalling its resolutions 1992/S-1/1 of 14 August 1992 and 1992/S-2/1 of 1 December 1992, 1993/7 and 1993/8 of 23 February 1993, General Assembly

resolutions 48/143 and 48/153 of 20 December 1993 and all relevant resolutions of the Security Council,

Recalling also the decision by the World Conference on Human Rights on 15 June 1993 to appeal to the Security Council to take the necessary measures to end the genocide taking place in Bosnia and Herzegovina,

Recalling further the Order of the International Court of Justice on 8 April 1993 for provisional measures, reaffirmed on 13 September 1993, that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent commission of the crime of genocide,

Reiterating its deep concern at the massive and systematic violations of human rights, particularly the practice of "ethnic cleansing" still under way in the territory controlled by Bosnian Serbs, as well as similar acts being done by Bosnian Croat extremists, whose principal victims are the Bosnian Muslim populations,

Deeply aware that the continuing conflict in the Republic of Bosnia and Herzegovina and acts committed by individuals of different affiliations as

part of a deliberate policy and practice of "ethnic cleansing" and genocide, including acts provoked by such a policy, seriously aggravate the human rights situation in the Republic of Bosnia and Herzegovina,

Welcoming the establishment of the International Tribunal for prosecuting serious violations of international humanitarian law, committed in the territory of the former Yugoslavia pursuant to Security Council resolution 827 (1993), and commending the work of the Commission of Experts established pursuant to Security Council resolution 780 (1993),

Noting with anguish the contents of the reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and in particular the sixth report (E/CN.4/1994/110),

Moved by the horrible massacre at the Markale market in Sarajevo on 5 February 1994 which resulted in the renewal of the international community's determination to bring an end to the conflict in Bosnia and Herzegovina,

1. Strongly condemns the policy of genocide and "ethnic cleansing", the indiscriminate shelling of civilian populations, particularly in Sarajevo, and in the other declared safe areas of Tuzla, Bihac, Gorazde, Srebrenica and Zepa, as well as Mostar and other endangered areas in central Bosnia and elsewhere, the forced deportation of populations, the attacks against civilian targets, continued detention of civilians in appalling conditions in prisons and camps, the use of military force against defenceless civilians, the continued practice of rape as a weapon of war and the strategy of strangulation of populations by obstructing food supplies and other essentials to civilian populations;

2. Strongly demands that the authorities of the Republics of Serbia and Montenegro cease their interference in and support to the self-proclaimed Serb entity in pursuing aggressive acts in the Republic of Bosnia and Herzegovina, which flagrantly violate international law and fundamental principles of human rights;

3. Strongly urges the authorities of the Republics of Croatia and Bosnia and Herzegovina to do their utmost in improving the relations between the Bosnian Croats and the Bosnian Muslims and towards the urgent improvement of the human rights and humanitarian situation in the Republic of Bosnia and Herzegovina;

4. Categorically condemns all violations of human rights and international humanitarian law which occur in Bosnia and Herzegovina;

5. Reaffirms the right of all refugees and displaced persons to return to their homes and the invalidity of forced transfers of property and other acts made under duress, and urges the international community to assist in reversing the consequences of these acts;

6. Urges the relevant international organizations and bodies to make determined efforts to enhance and facilitate the investigations towards the resolution of cases of missing persons;

7. Urges all States, relevant international organizations and bodies and all parties to the conflict to cooperate fully with the efforts of the Commission of Experts and the International Tribunal and to provide all necessary support and appropriate assistance, with a view to bringing to justice all persons who perpetrate or authorize serious violations of customary international human rights and humanitarian law or fail to prevent such violations while being able to do so;

8. Demands firm and resolute action by all concerned to put an end to all human rights violations and breaches of international law including "ethnic cleansing", commission of the crime of genocide and the commission of rape and sexual abuse against women and children;

9. Calls for an early establishment of a just and lasting peace in the Republic of Bosnia and Herzegovina by, inter alia, effective and immediate implementation of the relevant resolutions;

10. Commends the Special Rapporteur for his activities and, in particular, his courage and tenacity in accomplishing his objectives under the most trying circumstances, and calls on all parties to facilitate field missions by his office for the effective discharge of his mandate;

11. Requests the Secretary-General to report to the Commission at its fifty-first session on the implementation of the present resolution.

65th meeting
9 March 1994
[Adopted by a roll-call vote of
41 to 1, with 10 abstentions.]

1994/76. Situation of human rights in Kosovo

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international human rights instruments,

Recalling its resolutions 1992/S-1/1 of 14 August 1992 and 1993/7 of 23 February 1993 and its decision 1992/103 of 13 August 1992,

Recalling also Security Council resolution 855 (1993) of 9 August 1993,

Noting the report of the Special Rapporteur on the situation of human rights in the former Yugoslavia (E/CN.4/1994/110) on the continuing deterioration of the human rights situation in Kosovo including:

(a) Police brutality against ethnic Albanians, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment of detainees and discrimination in the administration of justice;

(b) Discriminatory and arbitrary dismissals of ethnic Albanian civil servants, notably from the ranks of the police and the judiciary, mass dismissals of ethnic Albanians, discrimination against Albanian pupils and teachers of primary schools, the closing of the Albanian-language secondary schools and university, as well as the closing of Albanian cultural and scientific institutions;

(c) The intimidation and imprisonment of ethnic Albanian journalists and the systematic harassment and disruption of the news media in the Albanian language;

(d) The dismissals of doctors and members of other categories of the medical profession of Albanian origin from clinics and hospitals;

(e) The elimination in practice of the Albanian language, particularly in public administration and services;

(f) The serious and massive occurrence of discriminatory and repressive practices aimed at Kosovo Albanians as a whole, resulting in widespread involuntary emigration;

1. Strongly condemns the discriminatory measures and practices, as well as the violations of human rights, committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) against ethnic Albanians in Kosovo;

2. Urgently demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Cease all human rights violations, discriminatory measures and practices against ethnic Albanians in Kosovo, in particular arbitrary detention and violation of the right to a fair trial and the practice of torture and other cruel, inhuman and degrading treatment;

(b) Release all political prisoners and cease all persecution of political leaders and members of local human rights organizations;

(c) Establish democratic institutions in Kosovo and respect the will of its inhabitants as the best means of preventing the escalation of the conflict there;

(d) Cooperate with the Conference on Security and Cooperation in Europe to enable the long-term mission to resume its activities immediately, inter alia by permitting its return to Kosovo;

3. Urges the Secretary-General to explore ways and means to establish an adequate international monitoring presence in Kosovo;

4. Calls upon the Special Rapporteur to continue to monitor closely the human rights situation in Kosovo and to pay special attention to this matter in his reporting;

5. Decides to remain seized of this matter.

65th meeting
9 March 1994
[Adopted without a vote.]

1994/77. Rape and abuse of women in the territory of the former Yugoslavia

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of

Discrimination against Women, the Convention on the Rights of the Child and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Recalling General Assembly resolution 3074 (XVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

Recalling its resolution 1993/8 of 23 February 1993, entitled "Rape and abuse of women in the territory of the former Yugoslavia" and General Assembly resolution 48/143 of 20 December 1993, entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia",

Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992 in which, inter alia, the Council strongly condemned those acts of unspeakable brutality,

Noting with deep concern the reports on the findings of the Special Rapporteur and the Secretary-General, assisted by the staff of the Special Rapporteur, regarding rape and abuse of women in the territory of the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina,

Convinced that this heinous practice constitutes a deliberate weapon of war in fulfilling the policy of "ethnic cleansing" carried out by Serbian forces in the Republic of Bosnia and Herzegovina, and noting General Assembly resolution 47/121 of 18 December 1992, in which the Assembly stated, inter alia, that the abhorrent policy of "ethnic cleansing" was a form of genocide,

Welcoming the establishment of an International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1992, by the Security Council in its resolution 827 (1993) of 25 May 1993, pursuant to its resolution 808 (1993) of 22 February 1993,

Desirous of ensuring that persons accused of upholding and perpetrating rape and sexual violence as a weapon of war in the areas of armed conflict in the former Yugoslavia will be brought to justice by the International Tribunal where appropriate,

Recognizing the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims, emphasizing the role and responsibility of the local community of the victims in this context,

Deeply alarmed at the situation facing victims of rape in the conflicts in different parts of the world, in particular in the Republic of Bosnia and Herzegovina, and the continuing use of rape as a weapon of war,

Noting with appreciation the work of humanitarian organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

Taking into account resolution 37/3 of 25 March 1993 of the Commission on the Status of Women,

Expressing its appreciation to the Secretary-General for his report entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia" (A/48/858),

Commending the Special Rapporteur for his report on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1994/110),

1. Strongly condemns the abhorrent practice of rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia which constitutes a war crime;

2. Expresses its outrage that the practice of rape is being used as a weapon of war and an instrument of ethnic cleansing against the women and children in the former Yugoslavia, in particular against Muslim women and children in Bosnia and Herzegovina;

3. Demands that those involved immediately cease those outrageous acts, which are in gross violation of international humanitarian law, including the Geneva Conventions of 1949 and the Additional Protocols thereto, and take immediate action to ensure the enjoyment of human rights and fundamental freedoms in accordance with their obligations under those instruments and other applicable international human rights instruments;

4. Urges all States Members of the United Nations to take joint and separate action, in cooperation with the United Nations, to bring about an end to this despicable practice;

5. Reaffirms that all persons who perpetrate or authorize crimes against humanity and other violations of international humanitarian law are individually responsible for those violations, and that those in positions of authority who have failed adequately to ensure that persons under their control comply with the relevant international instruments are accountable together with the perpetrators;

6. Urges States Members of the United Nations to exert every effort to bring to justice, in accordance with internationally recognized principles of due process, all those individuals directly or indirectly involved in these outrageous international crimes;

7. Encourages the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia to continue to pay particular attention to the widespread occurrence of rape, particularly in Bosnia and Herzegovina, and acknowledges the work done by his team of female experts;

8. Supports the Commission of Experts in its investigation of the issue of systematic rape of women in the former Yugoslavia through its Plan of Action in which special emphasis will be given to allegations of sexual assault;

9. Welcomes the intention of the Commission of Experts to reflect the results of its study in its final report expected to be submitted by the end of April 1994;

10. Calls upon all States that host refugees from the former Yugoslavia to provide the necessary assistance to the Commission of Experts in its efforts to interview or otherwise collect evidence for its investigation of the systematic practice of rape of women;

11. Urges all States and all relevant intergovernmental and non-governmental organizations, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the World Health Organization, to continue to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation;

12. Requests the Commission of Experts and the Special Rapporteur to submit their findings and all their relevant evidence to the prosecutors of the International Tribunal;

13. Decides to remain seized of this matter.

65th meeting
9 March 1994
[Adopted without a vote.]

1994/78. Situation of human rights in Togo

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that under Articles 55 and 56 of the Charter of the United Nations, all States Members of the Organization have an obligation to

promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Concerned about the situation of human rights in Togo before the electoral process,

Welcoming, however, efforts undertaken towards democratization, especially the holding, in generally satisfactory conditions, of parliamentary elections on 6 and 20 February 1994 which constitute an essential element towards a democratic change in Togo,

Concerned by the fact that certain groups have resorted to violent actions and the use of arms, thus causing numerous victims, with the intention of preventing the holding of the elections,

Having examined the report of the Special Rapporteur on the question of torture (E/CN.4/1994/31) and the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7),

1. Takes note with interest of the report of the Secretary-General on the situation of human rights in Togo (E/CN.4/1994/59);

2. Welcomes the fact that Togo has set out on the road to democratic political change, and urges all Togolese to respect the outcome of the parliamentary elections held in February 1994 and to ensure the effective functioning of the democratically elected parliament;

3. Expresses the hope that a comprehensive improvement of the human rights situation in Togo will lead to a lasting reinforcement of democracy, thus reflecting the aspirations of its citizens;

4. Calls upon the authorities in Togo to comply fully with their obligations under the international human rights instruments to which Togo is a party;

5. Also calls upon the authorities in Togo to promote national reconciliation, in particular by taking all necessary measures:

(a) To ensure the enjoyment of all human rights and fundamental freedoms by all;

(b) To prevent further human rights violations;

(c) To guarantee that appropriate legal action is taken against alleged perpetrators of human rights violations;

6. Encourages the authorities in Togo to facilitate the participation of the organs of society, including national institutions working for the promotion and protection of human rights, in the process of democratization;

7. Also encourages the Government of Togo to present timely reports to the treaty bodies established by the International Covenants to which Togo is a party;

8. Further encourages the Government of Togo to request, where appropriate, the assistance of the Centre for Human Rights through its programme of advisory services and technical assistance in the implementation of the measures mentioned in paragraphs 5 and 7 of the present resolution;

9. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Togolese authorities and to request them to indicate, as soon as possible, the action taken in pursuance of paragraphs 5 and 7;

(b) To report to the Commission, at its fifty-first session, on the basis of the information provided by the Government of Togo, as well as any other information, on the measures taken by the Togolese authorities in pursuance of paragraphs 5, 7 and 8;

10. Decides to consider the question at its fifty-first session under the relevant agenda item, with a view to concluding it, in the light of the requested report by the Secretary-General.

55th meeting
9 March 1994
[Adopted without a vote.]

1994/79. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling its resolution 1993/60 of 10 March 1993 as well as General Assembly resolutions 47/142 of 18 December 1992 and 48/147 of 20 December 1993 on the situation in the Sudan,

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, as described in, inter alia, the reports submitted to the Commission on Human Rights at its forty-eighth session by the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, at its forty-ninth session by the Special Rapporteur on the question of religious intolerance and at its fiftieth session by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture,

Noting also with concern the latest report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1994/48),

Disturbed by the failure of the Government of the Sudan to provide a full impartial investigation and report of the killings of Sudanese employees of foreign Government relief organizations, despite the announcement during 1993 by the Government of the Sudan of its intention to convene an independent judicial inquiry commission, which would issue such a report,

Noting the widespread conditions of armed conflict existing within the Sudan, whose continuation only exacerbates the deterioration of the human rights situation, leading to further violations by all sides in the conflict,

Welcoming the efforts of the United Nations and other humanitarian organizations to provide humanitarian relief to those Sudanese in need,

Deeply concerned that access by the civilian population to humanitarian assistance has been impeded, but hoping the recent dialogue between the Government of the Sudan, donor Governments and international non-governmental organizations will result in improved delivery of humanitarian aid,

Deeply concerned also about increasing air attacks by the Sudanese air force in southern Sudan resulting in great harm and injury to the civilian population,

Alarmed by the large number of internally displaced persons, notably in the Nuba mountain region, and victims of discrimination in the Sudan, including

women, children, and members of minorities, who have been forcibly displaced in violation of their human rights,

Conscious of the burden of the continued mass exodus of refugees into neighbouring countries, but expressing its appreciation for the international efforts to assist them, thereby easing the burden on host countries,

Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in the Sudan,

1. Expresses its thanks to the Special Rapporteur for his most recent report;

2. Expresses its deep concern at the continuing and serious human rights violations in the Sudan, including summary executions, detentions without due process, abductions, forced displacement of persons and torture;

3. Urges the Government of the Sudan to respect fully human rights, and calls upon all parties to cooperate in order to ensure such respect;

4. Notes with displeasure the interference by the Government of the Sudan with the visit to the Sudan of the Special Rapporteur during September 1993;

5. Calls upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation in accordance with such instruments to which the Sudan is a party, in particular the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention, as amended, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in these instruments;

6. Also calls upon the Government of the Sudan to explain without delay the circumstances of the recent air attacks on civilian targets in southern Sudan;

7. Notes with appreciation, in this connection, the current regional efforts of the heads of State of the Intergovernmental Authority on Drought and

Development (Kenya, Uganda, Ethiopia and Eritrea) to assist parties to the conflict in the Sudan to reach a peaceful settlement;

8. Urges all parties to the conflict to agree to an immediate cease-fire and to cooperate fully with the present regional initiative of the heads of State of the Intergovernmental Authority on Drought and Development (Kenya, Uganda, Ethiopia and Eritrea);

9. Strongly urges all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the civil conflict to ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese

refugees to neighbouring countries and facilitating their early return to the Sudan, and welcomes efforts to facilitate dialogue among the parties to that end;

10. Also calls upon parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 1949 and the additional protocols thereto of 1977, to halt the use of weapons against the civilian population, to protect all civilians, including women, children and members of minorities, from violations, including forcible displacement, arbitrary detention, abductions, ill-treatment, torture and summary execution;

11. Calls upon the Government of the Sudan to ensure a full, thorough and prompt investigation by the independent judicial inquiry commission of the killings of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

12. Also calls upon the Government of the Sudan and all parties to the conflict to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with the initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat to deliver assistance to all persons in need;

13. Decides to extend the mandate of the Special Rapporteur for an additional year;

14. Requests the Secretary-General to continue to give the Special Rapporteur all necessary assistance in the discharge of his mandate;

15. Calls upon the Government of the Sudan to extend its full and unreserved cooperation and to assist the Special Rapporteur in the ongoing discharge of his mandate and, to this end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person in the Sudan with whom he wishes to meet, with no threats or reprisals;

16. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its forty-ninth session and to the Commission on Human Rights at its fifty-first session;

17. Decides to consider the situation of human rights in the Sudan at its fifty-first session under the same agenda item.

65th meeting
9 March 1994
[Adopted by a roll-call vote of 35 to 9, with 9 abstentions.]

1994/80. Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various instruments in this field,

Recalling its resolution 1993/68 of 10 March 1993,

Having in mind the report (E/CN.4/1994/55) of the Special Rapporteur, Mr. Marco Tulio Bruni Celli, appointed by the Chairman of the Commission at its forty-eighth session,

Recalling General Assembly resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 of 24 November 1992, 47/143 of 18 December 1992, 48/27 of 6 December 1993 and 48/151 of 20 December 1993,

Deeply concerned about the grave events in Haiti since 29 September 1991, which abruptly and violently interrupted the democratic process in that country and have resulted in the loss of human lives and violations of human rights,

Concerned at the mass exodus of Haitian nationals fleeing the country because of the steadily deteriorating political and economic situation since 29 September 1991,

Deeply alarmed at the persistence and worsening of serious violations of human rights during 1993, in particular summary and arbitrary executions, involuntary disappearances, reports of torture and rape, arbitrary arrests and detentions, denial of freedom of expression, assembly and association, and the grave deterioration of the political, economic and social situation in the country,

Deeply concerned about the increase in acts of violence and intimidation against the democratic Government of Haiti, especially the assassination of

the Minister of Justice, François Guy Malary, and Antoine Izméry, a prominent supporter of President Aristide, which have contributed to the temporary withdrawal of the International Civilian Mission,

Taking note of the report of the International Civilian Mission of United Nations Observers and of the Organization of American States, which was presented in accordance with General Assembly resolution 47/20 B of 20 April 1993,

Recognizing the important role played by the International Civilian Mission established by the United Nations and the Organization of American States, whose presence in Haiti has helped prevent further violations of human rights, and welcomes the return to Haiti of a number of its members,

Taking into account the signature by all parties of the Governors Island Agreement of 3 July 1993 and the New York Pact of 16 July 1993,

Aware of the urgent need to keep a close watch on the situation of human rights in Haiti,

1. Expresses its appreciation to the Special Rapporteur for his report on the situation of human rights in Haiti;

2. Once again strongly condemns the overthrow of the constitutionally elected President, Mr. Jean-Bertrand Aristide, and the use of violence and military coercion, and the subsequent deterioration of the situation of human rights in that country;

3. Expresses its conviction that the full implementation of the Governors Island Agreement by all parties is the only valid framework for resolving the crisis in Haiti and guaranteeing the constitutional order, in order to achieve an improvement in the human rights situation in Haiti, and that the refusal by one of the parties to implement this Agreement has led to a deterioration of the human rights situation;

4. Expresses its deep concern about the considerable worsening of the human rights situation in Haiti since the coup d'état in September 1991 and the resulting increase in violations of the human rights embodied in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the American Convention on Human Rights and other international human rights instruments;

5. Again condemns the persistent worsening of the human rights situation in Haiti during 1993, characterized by deaths, disappearances and assassinations, preventive repression, persecution, arbitrary arrests, torture, improper demands by security personnel for payment in return for not causing injury, abandonment of legislative programmes, the reappearance of the section chiefs, the banning of demonstrations, and police repression of all acts of protest against the military authorities, as well as the grave deterioration of the political, economic and social situation;

6. Requests the Special Rapporteur to visit Haiti in the near future in order to obtain precise information on the situation of human rights in that country, and stresses the importance of the Special Rapporteur being provided, in accordance with the obligations assumed by the Haitian State under the international instruments on human rights ratified by it, with all the necessary facilities in order to fulfil its mandate;

7. Expresses its full support for the International Civilian Mission of United Nations Observers and of the Organization of American States responsible for monitoring respect for human rights in Haiti, and welcomes the return to Haiti of a number of its members, which will help to prevent further violations of human rights;

8. Draws the attention of the international community to the fate of the Haitian nationals who are fleeing the country and requests its support for the efforts being made to assist them;

9. Expresses its appreciation to the Office of the United Nations High Commissioner for Refugees for the work it is doing in aid of the nationals fleeing the country and invites Member States to continue to give financial and material support for its efforts;

10. Calls upon the States Members of the United Nations and other international organizations to intensify their humanitarian assistance to the people of Haiti, support all the efforts made to solve the problems of displaced persons, and encourage the strengthening of the institutional coordination between the specialized agencies and between the United Nations and the Organization of American States;

11. Decides to extend for one more year the mandate of the Special Rapporteur established by Commission resolution 1992/77;

12. Emphasizes the importance of continuing the necessary cooperation between the Special Rapporteur of the Commission and the International Civilian Mission of United Nations Observers and the Organization of American

States, in order to contribute to the full implementation of their mandates and in that respect emphasizes the contribution that the Centre for Human Rights can provide;

13. Requests the Special Rapporteur to submit a provisional report on the situation of human rights in Haiti to the General Assembly at its forty-ninth session and a final report to the Commission on Human Rights at its fifty-first session;

14. Requests the Secretary-General to provide to the Special Rapporteur all necessary assistance in order to fulfil his mandate;

15. Decides to continue its consideration of the situation of human rights in Haiti at its fifty-first session, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
9 March 1994
[Adopted without a vote.]

1994/81. Human rights violations in the Papua New Guinea island of Bougainville

The Commission on Human Rights,

Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights, and mindful of its responsibilities under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Reaffirming the validity of the Universal Declaration of Human Rights, as well as of the International Covenant on Civil and Political Rights, on the one hand, and the International Covenant on Economic, Social and Cultural Rights, on the other hand, which are indivisible and interrelated,

Recognizing that action by civil defence forces has in some cases jeopardized the enjoyment of human rights and fundamental freedoms of the people living in the province of Bougainville,

Expresses deep concern about the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7), according to which a large number of human rights violations, including extrajudicial, summary

and arbitrary executions, have occurred since April 1991 on the island of Bougainville in the context of the ongoing armed conflict between the security forces of Papua New Guinea and the Bougainville Revolutionary Army,

Welcoming the invitation extended by the Government of Papua New Guinea to the European Economic Commission-African, Caribbean and Pacific Joint Assembly, but disappointed that such access has in the past been denied,

Bearing in mind the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Recalling Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/19 of 27 August 1992 and Commission on Human Rights resolution 1993/76 of 10 March 1993,

Having examined the report of the Secretary-General on the human rights situation in Bougainville (E/CN.4/1994/60),

Concerned that the Government of Papua New Guinea has not provided information to the Commission on actions it has taken during the past year,

Recognizing that recent events in the Papua New Guinea province of Bougainville, particularly reports of a large number of human rights violations, require measures to assure the protection of human rights and fundamental freedoms,

Stressing the need for the Government of Papua New Guinea to prosecute those responsible for human rights violations on the island of Bougainville,

1. Welcomes the statement of the Government of Papua New Guinea to the General Assembly at its forty-eighth session that it is prepared to commence negotiations with representatives of various groups in the province of Bougainville, but regrets that the Government has not advised of any subsequent progress towards such negotiations;

2. Calls for peace and negotiations between the Government of Papua New Guinea and the various groups in the province of Bougainville to be urgently pursued;

3. Calls upon all parties to the conflict strictly to respect all human rights and fundamental freedoms and, requests the Government of Papua New Guinea, as the administrative authority, urgently to undertake the search for solutions with a view to implementing measures that would bring about a comprehensive political solution to the conflict;

4. Calls upon the Government of Papua New Guinea and all parties to the conflict, particularly the administrative authority, to ensure the immediate and unconditional flow of humanitarian aid and assistance to civilian persons, particularly women and children, in the areas of conflict in the island of Bougainville;

5. Urges the Government of Papua New Guinea promptly to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture to investigate the reports of human rights violations on the island of Bougainville;

6. Also urges the Government of Papua New Guinea to extend its full cooperation to the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture to enable them to report to the Commission at its fifty-first session;

7. Requests the Secretary-General, in the light of developments between the adoption of the present resolution and 30 September 1994, to consider the appropriateness of appointing a special representative whose mandate may include:

(a) To establish direct contact with the Government of Papua New Guinea and representatives of the people of the various groups in the Papua New Guinea province of Bougainville to investigate the situation of human rights in Bougainville, including any progress made towards the full restoration of human rights and compliance with international human rights instruments and international humanitarian law;

(b) To explore ways to promote an end to armed conflict and to facilitate dialogue and negotiations between the parties to the conflict, with a view to reaching a comprehensive, just and lasting solution and the full restoration of human rights;

(c) To receive credible and reliable information from Governments, non-governmental organizations and any other body that may assist him in carrying out his mandate;

(d) To report to the Commission on Human Rights at its fifty-first session;

8. Decides to consider the situation on human rights in Bougainville at its fifty-first session under the same agenda item.

66th meeting
9 March 1994
[Adopted without a vote.]

1994/82. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his or her life,

Mindful of General Assembly resolutions on the subject of summary and arbitrary executions, of which the latest is 47/136 of 18 December 1992,

Recalling the other standards which form the legal justification of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including those enumerated in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136,

Mindful of the dismay and condemnation expressed by the World Conference on Human Rights at the continuing occurrence of gross and systematic violations of human rights, including summary and arbitrary executions,

Welcoming the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (United Nations publication, Sales No. E.91.IV.1),

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions,

Condemning especially violations of the right to life of minors and, in particular, children and adolescents without homes,

Welcoming the attention given to various aspects and situations of violations of the right to life by the Special Rapporteur in his report (E/CN.4/1994/7 and Add.1 and 2 and Corr.1),

Welcoming the methods of work adopted by the Special Rapporteur, including following up on communications and country visits,

Also welcoming the attention given by the Special Rapporteur in his report to violations of the right to life in connection with suppression of the right to freedom of opinion and expression, peaceful assembly and association,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represents a flagrant violation of the fundamental right to life,

1. Strongly condemns once again the large number of extrajudicial, summary or arbitrary executions which continue to take place throughout the world;

2. Appeals urgently to Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations to take effective action to combat and eliminate the phenomenon of extrajudicial, summary or arbitrary executions;

3. Takes note with appreciation of the report of the Special Rapporteur (E/CN.4/1994/7) and welcomes his recommendations with a view to eliminating extrajudicial, summary or arbitrary executions;

4. Also notes the valuable recommendations made by the Special Rapporteur after his visits to particular countries, as contained in his report E/CN.4/1994/7/Add.1 and 2;

5. Requests the Special Rapporteur, in carrying out his mandate, to continue to examine situations of extrajudicial, summary or arbitrary executions and to continue to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights;

6. Also requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

7. Commends the Special Rapporteur for his methods of following up on communications with Governments and sources of information, and encourages him to enhance further his dialogue with Governments as well as to follow up on recommendations made in reports after visits to particular countries;

8. Requests the Special Rapporteur in his next report to continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to national or ethnic, religious and linguistic minorities;

9. Urges the Special Rapporteur to draw to the attention of the High Commissioner for Human Rights such situations of extrajudicial, summary and arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

10. Requests the Special Rapporteur to continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

11. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

12. Urges Governments to undertake all necessary and possible measures to prevent the needless loss of life during situations of public manifestations, internal and communal violence, disturbances, tension and public emergency and to grant special protection to those who find themselves in particularly vulnerable situations during such events;

13. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the

Standard Minimum Rules for the Treatment of Prisoners and other pertinent international instruments;

14. Reiterates the obligation of all Governments, bearing in mind the norms and principles contained in the pertinent international instruments, to carry out exhaustive and impartial investigations into allegations of all suspected cases of extrajudicial, arbitrary and summary executions, to identify, bring to justice and punish the perpetrators, to provide the right to seek and receive as appropriate, compensation for the victims or their families and to take effective measures to avoid future recurrence of such violations;

15. Strongly urges all Governments to respond to communications transmitted to them by the Special Rapporteur, and calls on them and all others concerned to cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively;

16. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him and invites them to report to the Special Rapporteur on action taken on these recommendations;

17. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers, government officials as well as members of the United Nations peace-keeping or observer missions on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

18. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur and, in view of the increasing workload of the Special Rapporteur, to substantially increase, within existing resources, the human and material resources placed at his disposal;

19. Also requests the Secretary-General and the Special Rapporteur to continue seeking ways of raising public awareness of the persistent occurrence of extrajudicial, summary or arbitrary executions and of the work and recommendations made by the Special Rapporteur;

20. Requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

21. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of high priority at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
9 March 1994
[Adopted without a vote.]

1994/83. Situation of human rights in southern Lebanon

The Commission on Human Rights,

Gravely concerned by the persisting practices of the Israeli occupation forces in southern Lebanon, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the

relevant provisions of international humanitarian law as contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Hague Convention IV of 1907,

Recalling its deep regret at the failure of Israel to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

Deploring the repeated Israeli aggression in southern Lebanon, particularly the Israeli attack on the south and the west Bekaa in July 1993, which caused a large number of deaths and injuries and the displacement of hundreds of thousands of inhabitants, as well as the destruction of several houses, hospitals, schools and public buildings,

Reaffirming that the continued occupation and the practices of the Israeli forces constitute a violation of the resolutions of the Security Council as well as of the will of the international community and the conventions in force in this respect,

Hoping that the steps and efforts dedicated to attaining peace in the Middle East will put an end to Israeli violations of human rights in the occupied region of southern Lebanon, and that the peace negotiations will proceed to settle the Middle East conflict and achieve a just and comprehensive peace in the region,

Gravely concerned by the impeding of the International Committee of the Red Cross and other humanitarian organizations from accomplishing their humanitarian mission in the occupied area of southern lebanon, in particular to ascertain reports of ill-treatment of detainees in the detention centres of Khiam and Marjeyoun,

Reaffirming its resolution 1993/67 of 10 March 1993, and expressing its deep regret at the failure of Israel to implement this resolution,

1. Condemns the continued Israeli violations of human rights in southern Lebanon, manifested particularly by the arbitrary detention of civilians, the destruction of their houses, the confiscation of their property, their expulsion from the occupied area, the bombardment of villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an end immediately to such practices and to implement the above-mentioned resolutions of the Security Council which demand

the immediate, total and unconditional withdrawal of Israel from all Lebanese territories and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and the west Bekaa, to comply with the Geneva Conventions of 1949, specifically the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and the west Bekaa, to release immediately all those Lebanese and other prisoners detained in the Israeli prisons and detention centres contrary to all the Geneva Conventions and to other provisions of international law;

5. Calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and the west Bekaa, to facilitate the humanitarian mission of the International Committee of the Red Cross and other humanitarian organizations in that region and, in particular, to allow these organizations to visit the detention centres of Khiam and Marjeyoun and verify the living conditions of the detainees;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its forty-ninth session and to the Commission on Human Rights at its fifty-first session on the results of his efforts in this regard;

7. Decides to continue its consideration of the situation of human rights in southern Lebanon at its fifty-first session.

66th meeting
9 March 1994
[Adopted by a roll-call vote of 48 to 1, with 3 abstentions.]

1994/84. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its relevant resolutions, as well as the resolutions of the General Assembly and the decisions of the Economic and Social Council,

Taking note, in particular, of its resolution 1993/66 of 10 March 1993, in which it was decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and to request him to report to the General Assembly at its forty-eighth session, and of Economic and Social Council decision 1993/275 of 28 July 1993, in which the Council approved the Commission's decision,

Recalling General Assembly resolution 48/152 of 20 December 1993 and noting with concern that since its adoption the situation of human rights in Afghanistan has further deteriorated owing to the recent outbreak of large-scale fighting,

Noting that, following the demise of the former Afghan Government, a transitional Islamic State of Afghanistan was established,

Noting with deep concern that in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of armed confrontation, affecting mainly the civilian population, which is still the target of indiscriminate military attacks by rival groups, continues

to exist in parts of the territory of Afghanistan, and in particular in Kabul, and has also caused a dramatic rise in the number of persons displaced inside the country,

Concerned that the prevailing situation in the country as regards the political and legal order is affecting the security of members of all ethnic and religious groups, including minorities,

Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights, such as the right to life, to liberty and security of person and to freedom of opinion, expression and association,

Deeply concerned about the recurring violations of human rights specific to or primarily directed against women by warring factions in Afghanistan and about the lack of respect towards them and their physical integrity and dignity, as reported by the Special Rapporteur,

Concerned also at reports of detainees who are being held for political reasons by rival groups, in particular in prisons run by political parties, among whom are several members of the former Government,

Noting that much remains to be done for the treatment of prisoners to be in conformity with the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Deeply concerned at the decline in the repatriation of Afghan refugees in 1993 and at reports of new waves of refugees and internally displaced persons in the first months of 1994, owing to the prevailing situation in Afghanistan, and expressing the hope that conditions in the country will allow those still in exile to return as soon as possible,

Noting with appreciation the efforts undertaken by some neighbouring countries to provide assistance to growing flows of refugees pending their repatriation, despite diminishing financial and other resources,

Aware that peace and security in Afghanistan are prerequisites for the successful repatriation of about four million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of minefields that have been laid in

many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

Affirming that the declaration of general amnesty issued by the Islamic State of Afghanistan should be applied in a strictly non-discriminatory manner and that prisoners detained by rival groups without trial on Afghan territory should be released unconditionally,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan and of the conclusions and recommendations contained therein (E/CN.4/1994/53),

Commending the efforts by the Special Rapporteur to implement its resolution 1993/46 of 8 March 1993 and the Vienna Declaration and Programme of Action by including in his report information on human rights violations affecting women,

Noting that owing to security considerations the Special Rapporteur has been unable to visit Kabul recently,

1. Welcomes the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan in view of the circumstances prevailing in the country;

2. Also welcomes the cooperation that the authorities in Afghanistan have extended, in particular to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Urges all the Afghan parties to undertake, where appropriate under the auspices of the United Nations, all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and genuine elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of about four million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

4. Welcomes all the efforts towards reaching a comprehensive, peaceful political solution to the conflict in Afghanistan, and in particular General Assembly resolution 48/208 of 21 December 1993, by which the General Assembly requested the Secretary-General to dispatch as soon as possible a

United Nations special mission to Afghanistan to canvass a broad spectrum of Afghanistan's leaders to solicit their views on how the United Nations can best facilitate national rapprochement and reconstruction, and report to the Secretary-General their findings, conclusions and recommendations for appropriate action;

5. Urges all the parties to carry out, as soon as possible, a disarmament process which constitutes a prerequisite to a solution to the conflict, as decided also in the Islamabad agreement signed by the Afghan parties;

6. Invites the United Nations to offer, upon request of the Afghan Government and with due regard to the Afghan tradition, advisory services and technical assistance concerning the drafting of the Constitution, which should embody internationally accepted human rights principles, and the holding of direct elections;

7. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and calls on all Afghan parties to respect human rights;

8. Urges all the Afghan parties to respect accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons against the civilian population, to protect all civilians from acts of reprisal and violence, including ill-treatment, torture and summary executions, and to expedite the simultaneous release of prisoners wherever they may be held;

9. Urges the Afghan authorities to provide sufficient and effective remedies to the victims of grave human rights violations and to bring their perpetrators to trial in accordance with internationally accepted standards;

10. Strongly urges all Afghan parties to ensure respect for the human rights and fundamental freedoms of women, so that their honour and dignity are ensured in accordance with the provisions of international human rights instruments and humanitarian law;

11. Calls upon all States and parties concerned to make all efforts for the realization of General Assembly decision 47/428 of 16 December 1992, entitled "Prisoners of war and persons missing as a result of war in Afghanistan", and

calls upon them to make all efforts for the immediate release of all prisoners of war, and in particular of former Soviet prisoners of war, as provided for under article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended, as well as for the tracing of the many Afghans still missing as the result of the war;

12. Urges the unconditional release of all prisoners detained without trial on the Afghan territory by rival groups, and calls for the abolition of prisons run by political parties;

13. Calls upon the authorities in Afghanistan to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply amnesty decrees equally to all detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all suspected or convicted persons article 14, paragraphs 3 (d), 5, 6 and 7, of the International Covenant on Civil and Political Rights;

14. Takes note of the recommendation of the Special Rapporteur that measures are needed in order to facilitate the passage of humanitarian convoys along the highway between Jalalabad and Kabul;

15. Appeals to all Member States to provide adequate humanitarian assistance to Afghanistan to contribute to alleviating the suffering of refugees, especially the living conditions of women and children;

16. Urges the international community to sustain the increasing financial efforts undertaken by humanitarian agencies, such as the Office of the United Nations High Commissioner for Refugees and other United Nations agencies or non-governmental organizations, to assist the Afghan refugees;

17. Urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes Relating to

Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

18. Reiterates its appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

19. Strongly urges all the parties to the conflict to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, in order to avoid further deplorable incidents such as those which have caused loss of life among that personnel;

20. Invites the United Nations Educational, Scientific and Cultural Organization, once the situation is back to normal and upon invitation of the Afghan Government, to study the situation of the Kabul Museum and of the national archives and to take proper action to preserve the Afghan cultural heritage;

21. Recommends that the translation into the Dari and Pashtu languages of the report of the Special Rapporteur be completed;

22. Urges the authorities in Afghanistan to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur, and requests the Special Rapporteur to make use of all appropriate means to gather information about specific instances of grave violations of human rights;

23. Decides to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation of human rights in Afghanistan to the General Assembly at its forty-ninth session and to the Commission at its fifty-first session;

24. Calls on the Special Rapporteur to broaden and intensity efforts in addressing human rights violations that are specific to or primarily directed against women, in order to assure the effective protection of their human rights;

25. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

26. Decides to continue its consideration of the human rights situation in Afghanistan as a matter of high priority, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
9 March 1994
[Adopted without a vote.]

1994/85. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Noting with particular concern in this regard that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all necessary steps towards democracy in the light of those elections,

Deploring that many political leaders, in particular elected representatives, remain deprived of their liberty and that Daw Aung San Suu Kyi, a Nobel Peace Prize laureate, is still under house arrest and, according to some sources, will not in any event be released before the end of 1994,

Noting the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949, for the protection of war victims and the release of a number of political prisoners, at the urging of the international community,

Gravely concerned at the violations of human rights in Myanmar which remain extremely serious, in particular the practice of torture, summary and arbitrary executions, forced labour, including forced portering for the military, abuse of

women, politically motivated arrests and detention, forced displacement of the population, the existence of important restrictions on the exercise of fundamental freedoms, including the freedom of expression and association, and the imposition of oppressive measures directed, in particular, at minority groups,

Noting further that many violations directly affect women, in particular women belonging to minorities, who have suffered ill-treatment, especially at the hands of the military, as stated by the Special Rapporteur,

Noting that this situation has resulted in flows of refugees towards neighbouring countries,

Deeply concerned at the continuous problems created in neighbouring countries by this exodus of refugees, including some 200,000 refugees still living in Bangladesh,

Welcoming, nevertheless, the signing on 5 November 1993 by the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees, of the Memorandum of Understanding on the voluntary repatriation of refugees from Bangladesh,

Having examined the reports of the Working Group on Arbitrary Detention (E/CN.4/1994/27), the Special Rapporteur on the question of torture (E/CN.4/1994/31), and the Special Rapporteur on the question of religious intolerance (E/CN.4/1994/71),

Recalling its resolution 1992/58 of 3 March 1992, in which it decided to nominate a special rapporteur to establish direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Taking note of General Assembly resolution 48/150 of 20 December 1993,

Noting that the Special Rapporteur has visited Myanmar at the invitation of the Government of Myanmar,

Deploring, however, that, in spite of the provisions of resolution 1993/73 requesting the Myanmar authorities to extend their full and unreserved

cooperation to the Special Rapporteur, he has been denied access to Daw Aung San Suu Kyi,

Reaffirming that Daw Aung San Suu Kyi, a Nobel Peace Prize laureate, who has recently been authorized to receive a number of visits, must be released immediately and unconditionally,

Taking note of the cease-fire being observed and the negotiations under way between the Government of Myanmar and several minority groups,

1. Expresses its thanks to the Special Rapporteur for his report (E/CN.4/1994/57) and the conclusions and recommendations contained therein;

2. Deplores the continued seriousness of the situation of human rights in Myanmar and, in particular, the fact that a number of political leaders, including Daw Aung San Suu Kyi and other leaders of the National League for Democracy, remain deprived of their liberty;

3. Again urges the Government of Myanmar to take, in conformity with the assurances given at various times, all necessary measures to establish a democratic State in full accordance with the will of the people as expressed in the democratic elections held in 1990;

4. Notes with concern that most of the representatives democratically elected in 1990 have been excluded from participating in the meetings of the National Convention, created to prepare the basic elements for the drafting of a new constitution, that severe restrictions have been imposed on delegates, including members of the National League for Democracy, who are unable to meet or distribute their literature, and that one of the objectives of the Convention is to maintain the participation of the armed forces (Tatmadaw) in a leading role in the future political life of the State;

5. Notes with concern the observation of the Special Rapporteur with regard to the National Convention that no evident progress has been made towards turning power over to a freely elected Government;

6. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to the democratically-elected representatives, lifting

restraining orders placed on a number of political leaders, releasing those who are detained and ensuring that all political parties can function freely;

7. Strongly urges the Government of Myanmar to restore full respect for human rights and fundamental freedoms, in particular the freedom of expression and opinion and the right of association and of assembly, to restore protection of persons belonging to minority groups, notably against discrimination, especially in the framework of the citizenship laws, and to put an end to violations of the right to life and integrity of the human being, to the practice of torture, abuse of women and forced labour, to enforced displacements of the population and to enforced disappearances and summary executions;

8. Reminds the Government of Myanmar of its obligation to put an end to the impunity of perpetrators of violations of human rights, including members of the military, and its responsibility to investigate alleged cases of human rights violations committed by its agents on its territory, to bring them to justice, prosecute them and punish those found guilty, in all circumstances;

9. Regrets the recent harsh sentences meted out to a number of dissidents, including persons voicing dissent in regard to the procedures of the National Convention;

10. Regrets also that, while a certain number of political prisoners have been released, many political leaders are still deprived of their freedom and their fundamental rights;

11. Strongly urges the Government of Myanmar to release immediately and unconditionally the Nobel Peace Prize laureate, Daw Aung San Suu Kyi, detained without trial for the last five years, as well as other detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

12. Calls upon the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

13. Appeals to the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and the Freedom of

Association and Protection of the Right to Organise Convention, 1948 (No. 87) of the International Labour Organisation;

14. Encourages the Government of Myanmar to continue to lift the emergency measures;

15. Requests the Government of Myanmar to ensure that all persons, without discrimination, are afforded the minimum guarantees for a fair trial, according to due process of law and in conformity with applicable international standards, that laws are given due publicity and that the principle of non-retroactivity of laws is respected;

16. Requests the Government of Myanmar to create the necessary conditions to facilitate the early repatriation of Myanmar refugees in neighbouring countries and their full reintegration, in conditions of safety and dignity, and to implement fully the Memorandum of Understanding concluded with the Office of the United Nations High Commissioner for Refugees on 5 November 1993, concerning refugees in Bangladesh;

17. Invites the Government of Myanmar to fully respect its obligations under the Geneva Conventions of 12 August 1949, in particular their common article 3, and to avail itself of such services as may be offered by impartial humanitarian bodies;

18. Stresses that it is important for the Government of Myanmar to give particular attention to prison conditions in the country's jails and to allow international humanitarian organizations to communicate freely and confidentially with prisoners;

19. Welcomes the first measures taken by the Government of Myanmar to provide for the training of military personnel in international humanitarian law and requests it to intensify its efforts in that regard and to extend them to police and prison personnel;

20. Decides to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and requests him to report to the General Assembly at its

forty-ninth session and to the Commission on Human Rights at its fifty-first session;

21. Urges the Government of Myanmar to cooperate fully and unreservedly with the Commission and the Special Rapporteur and, to that end, to ensure that the Special Rapporteur has effectively free access to any person in Myanmar whom he may deem it appropriate to meet in the performance of his mandate, including Daw Aung San Suu Kyi;

22. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance;

23. Decides to keep the matter under review at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
9 March 1994
[Adopted without a vote.]

1994/86. The situation of human rights in Burundi

The Commission on Human Rights,

Guided by the principles set out in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its complete determination with regard to respect for the principles of the rule of law, which involves democracy, national unity, pluralism and respect for the fundamental rights and freedoms of the individual,

Deeply concerned at the inter-ethnic violence since the attempted coup d'état on 21 October 1993, involving loss of human life and violations of human rights in Burundi,

Concerned about the mass exodus of persons from Burundi who have fled their country to take refuge in neighbouring countries, and at the great number of displaced persons within the country,

Particularly convinced that consolidation of democratic gains helps to create a favourable environment for lasting settlement of the ethnic tension that has brought bloodshed to the country over the past 30 years, on the one hand, and

enables everyone of Burundi to take part in the economic and social development of his country, on the other hand,

1. Strongly condemns the brutal and violent break in the democratic process initiated in Burundi, demands an immediate end to acts of violence and military coercion, and calls on all sectors of society, both civilian and military, to respect the Constitution of the country;

2. Invites the international community to continue to lend its political, diplomatic, material and financial support to end the violence, to help the Government of Burundi to find a lasting solution to the ethnic tension and to create conditions to favour the return of the refugees;

3. Is grateful to the States which have given refuge in their diplomatic premises to members of the Government of Burundi, thanks them for the technical assistance they have provided to ensure those persons' safety and also thanks the international community for its humanitarian assistance to the citizens of Burundi during the crisis;

4. Notes with satisfaction that the Secretary-General has responded immediately to this situation by sending a special envoy with a good offices mission so as to facilitate the restoration of the constitutional regime;

5. Welcomes the appointment by the Secretary-General of a Special Representative for Burundi and current efforts aimed at setting up an international mission of inquiry charged with establishing the facts surrounding the attempted coup d'état and the resulting violence and with providing advice to facilitate the efforts of the Government of Burundi and the Organization of African Unity;

6. Commends the efforts made by the Organization of African Unity and the various initiatives taken by associations for the protection of human rights to help the Government of Burundi re-establish democratic institutions, restore confidence and stabilize the situation;

7. Encourages the Government of Burundi in its action to secure participation by all components of the population in the conduct of the political and administrative affairs of the country;

8. Also invites the authorities of Burundi to carry out a prompt inquiry into the violations of human rights resulting from the attempted coup d'état of

21 October 1993, as well as the inter-ethnic massacres, and to bring the persons responsible for these acts of violence before the courts;

9. Requests the Secretary-General to report to it at its fifty-first session on the situation of human rights in Burundi, on the basis of all relevant information;

10. Encourages the Government of Burundi to request technical assistance to strengthen the structures for the promotion and protection of human rights, more particularly through the advisory services programme of the Centre for Human Rights, in close cooperation with the Secretary-General's special representative for Burundi;

11. Decides to consider the situation of human rights in Burundi at its fifty-first session, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
9 March 1994
[Adopted without a vote.]

1994/87. Situation of human rights in Zaire

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that, under Articles 55 and 56 of the Charter of the United Nations, all States Members of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Noting also its resolution 1993/61 of 10 March 1993,

Recalling that, from 1985 to 1989 and from 1991 to 1993, it examined the situation of human rights in Zaire under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

Emphasizing that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and People's Rights, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming in this connection the indivisibility of all human rights,

Having examined the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7), the Special Rapporteur on torture (E/CN.4/1994/31) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26 and Add.1),

Concerned about the persistent seriousness of the situation of human rights in Zaire and, in particular, about the use of force during peaceful gatherings,

arbitrary arrests and detentions, summary executions, torture and inhuman treatment in detention centres, serious shortcomings in the

administration of justice, which is unable to function independently, violations of freedom of opinion and expression and forced population displacements,

Seriously concerned in this connection by the reports of the humanitarian inter-agency evaluation mission and of various non-governmental organizations concerning forced displacements of more than 750,000 persons belonging to ethnic minorities, especially in the provinces of Shaba and northern Kivu, as well as the heavy loss of human life and numerous other violations of human rights accompanying such displacements,

Reiterating its loathing of all forms of racial or ethnic discrimination,

Stressing that the situation described above is contributing to the worsening of the country's socio-economic and financial situation, in particular that of the most vulnerable groups,

Re-emphasizing the need to put an end to the impunity of persons responsible for human rights violations,

Concerned about the serious obstacles which still stand in the way of the process of democratic transition and wishing to encourage the efforts being made to guarantee the continuation of this process, in full respect for human rights and fundamental freedoms,

1. Deplores the continuing serious violations of human rights and fundamental freedoms in Zaire, particularly the practice of torture and cruel, inhuman and degrading treatment or punishment, arbitrary detention and incommunicado detention, inhuman and degrading prison conditions, especially in the detention centres administered by the army, enforced disappearances, summary and arbitrary executions of persons who have exercised their right to freedom of opinion and expression, and denial of the right to a fair trial;

2. Notes with indignation that the army and the security services have used force against unarmed civilians;

3. Calls for the cessation of intimidation measures and reprisals against prominent political figures;

4. Condemns the practice of forced population displacements, particularly in northern Kivu and Shaba, for which the authorities bear primary responsibility;

5. Condemns all discriminatory measures affecting persons belonging to minority groups;

6. Calls for full observance of the right to freedom of opinion and expression and freedom of association, assembly and peaceful demonstration;

7. Recommends that the thematic rapporteurs and working groups of the Commission should continue to keep a close watch on the situation of human rights in Zaire;

8. Invites the Chairman of the Commission to appoint, after consultations with the Bureau, a special rapporteur mandated to establish direct contacts with the authorities and the people of Zaire;

9. Requests the special rapporteur to report to the Commission, at its fifty-first session, on the basis of any information which might be gathered on the situation of human rights in Zaire, including information supplied by non-governmental organizations;

10. Decides to consider the question again at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
9 March 1994
[Adopted without a vote.]

1994/88. Situation of human rights in Angola

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration on Human Rights and the International Covenants on Human Rights,

Recalling the Vienna Declaration and the Programme of Action, adopted by the World Conference on Human Rights, and noting the resolution on the situation in Angola adopted by the Council of Ministers of the Organization of African Unity at is 59th ordinary session,

Deeply concerned about the grave humanitarian situation, the serious deterioration of human rights, and the destruction of basic infrastructures as a result of the continuing hostilities in Angola,

Recalling the relevant Security Council resolutions and stressing the importance it attaches to the acceptance by UNITA without reservations, as requested by the Security Council, of the results of the democratic elections

of 29 and 30 September 1992, held under United Nations supervision and to its abiding fully by the Peace Accords, and the relevant Security Council resolutions,

Noting that the Angolan Constitution guarantees civil, political, economic, social and cultural rights and fundamental freedoms in Angola, and stressing the need for full implementation of the Constitution,

Welcoming the continuing direct negotiations at Lusaka under the auspices of the United Nations, and the ongoing efforts of the Government of Angola and UNITA to reach a negotiated settlement,

Commending the effort of the Secretary-General and his Special Representative aimed at the earliest resolution of the Angolan crisis through negotiation within the framework of the Peace Accords and relevant Security Council resolutions,

1. Strongly supports the process of democratization in Angola and further encourages the Government of Angola to pursue full promotion and protection of human rights and fundamental freedoms in Angola;

2. Encourages the Government of Angola to make use of the advisory services and programme of technical assistance of the Centre for Human Rights and requests the Centre to respond favourably;

3. Reaffirms its support of the ongoing direct negotiations at Lusaka and commends the Government of Zambia for hosting the negotiations;

4. Stresses the importance of a speedy conclusion of a negotiated settlement, calls upon both parties to honour the commitments already made by them and urges them to exercise maximum restraint and to stop immediately all military actions in order to prevent further violation of human rights and suffering on the part of the civilian population of Angola and damage to the economic and social infrastructure of Angola and equally refrain from action impeding the delivery of humanitarian aid;

5. Supports the efforts of the Secretary-General and his Special Representative aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the Peace Accords and relevant Security Council resolutions;

6. Strongly appeals to all Member States, United Nations agencies and non-governmental organizations to support ongoing efforts undertaken by the Secretary-General to implement the emergency humanitarian assistance plan;

7. Decides to consider this question at its fifty-first session under the agenda item entitled "Advisory services in the field of human rights".

66th meeting
9 March 1994
[Adopted without a vote.]

1994/89. Situation in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 1993/69 of 10 March 1993,

Bearing in mind that, since the appointment of Mr. Fernando Volio Jiménez as Expert in his individual capacity by the Secretary-General, pursuant to resolution 33 (XXXVI) of 11 March 1980, the Government of Equatorial Guinea has received the advisory services of the Expert and the Centre for Human Rights, but that this has led to no improvement in the human rights situation,

Taking into account that, as in the case of the 1980 Emergency Plan of Action, which has never been satisfactorily implemented, the Government has neither taken account of the new Plan of Action drawn up by the Expert in 1992, nor implemented satisfactorily the seven points in the aide-mémoire submitted by the United Nations/United Nations Development Programme inter-agency mission in April 1993,

Taking note with satisfaction of the fact that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, as well as the Convention on the Elimination of All Forms of Discrimination against Women,

Mindful that it is essential that all the political tendencies and political parties should play an active part in political and social life in order to ensure the effective transition to a democratic and pluralistic society,

Pointing out that the conditions under which the legislative elections of 21 November 1993 were held did not ensure their transparency or permit the political opposition to participate fully,

Concerned by the fact that there are continued reports that the authorities persist in arbitrarily arresting and detaining political opponents, often subjecting them to torture or cruel, inhuman or degrading treatment, in some cases resulting in their deaths,

Deploring the fact that the Government of Equatorial Guinea has not fully complied with the commitments entered into with the political forces in the National Pact concluded on 18 March 1993,

Taking note with satisfaction of the fact that, on 12 October 1993, the Government took steps to grant pardon and amnesty to a number of prisoners, as suggested by the Special Rapporteur on his first visit to Equatorial Guinea,

Taking note of the report of the Special Rapporteur (E/CN.4/1994/56), in which he notes that serious and persistent violations of human rights and fundamental freedoms continue to occur in Equatorial Guinea,

Aware that it is essential to ensure full observance of human rights and fundamental freedoms in Equatorial Guinea,

1. Expresses its thanks to the Special Rapporteur, Mr. Alejandro Artucio, for his report;

2. Expresses its serious concern at continued reports of the persistence of violations of human rights, such as arbitrary arrests and detentions of political opponents, often accompanied by torture or cruel, inhuman or degrading treatment;

3. Also expresses its concern at the fact that, as in the case of the 1980 Plan of Action, the Government has neither taken account of the new Plan of Action prepared by the Expert in 1992 nor satisfactorily implemented the seven points of the aide-mémoire submitted by the United Nations/United Nations Development Programme inter-agency mission in April 1993;

4. Deplores the situation and legal and social status of women in Equatorial Guinea, as revealed by the report of the Special Rapporteur;

5. Calls upon the Government of Equatorial Guinea to take all necessary measures to promote the harmonious coexistence of all the ethnic groups making up the society of Equatorial Guinea;

6. Also calls upon the Government of Equatorial Guinea to implement procedures for the release of all persons detained or condemned for political reasons and to adopt, as soon as possible, legislative and administrative measures satisfying the requirements laid down in the International Bill of Human Rights and in other relevant international instruments, with a view to furthering democracy, the rule of law and the observance of the human rights and fundamental freedoms of all inhabitants of Equatorial Guinea;

7. Encourages the Government of Equatorial Guinea to continue the dialogue with all elements of the political opposition, with a view to reaching a consensus on the democratization of Equatorial Guinea;

8. Also encourages the Government of Equatorial Guinea to facilitate the return of exiles and refugees and to adopt measures permitting the full participation of all citizens in the country's political, social and cultural affairs, thus helping to resolve the shortage of specialized personnel;

9. Urges the Government of Equatorial Guinea to invite regional and international human rights bodies to make periodic visits to prisons and civil and military detention centres, without any exceptions;

10. Requests the Secretary-General to provide the Government of Equatorial Guinea with technical assistance in those specific areas suggested by the Special Rapporteur in his report;

11. Decides to renew the mandate of the Special Rapporteur for one year;

12. Requests the Secretary-General to provide the Special Rapporteur with all assistance necessary for the discharge of his mandate;

13. Requests the Special Rapporteur to report to the Commission at its fifty-first session;

14. Decides to consider the question at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
9 March 1994
[Adopted without a vote.]